

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-359-C – ORDER NO. 2005-63  
FEBRUARY 7, 2005

IN RE: Joint Petition of SBC Telecom, Inc. and	)	
Southwestern Bell Communications Services,	)	ORDER GRANTING
Inc. d/b/a SBC Long Distance, Inc. for	)	MOTION TO FILE
Consent and Approval of Certificates of	)	CONFIDENTIAL
Public Convenience and Necessity.	)	MATERIALS UNDER
	)	SEAL

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Joint Motion filed by SBC Telecom, Inc. (“SBCT”) and Southwestern Bell Communications Services, Inc. d/b/a SBC Long Distance (“SBCLD”) (collectively, the “Petitioners”) for leave to file confidential materials under seal. The requested confidential treatment by SBCT and SBCLD pertains to the filing of a Joint Petition and Request for Expedited Action (“Joint Petition”) by the Petitioners for the approval of the assignment of SBCT’s Certificate of Public Convenience and Necessity as part of a corporate reorganization and approval of other transfers and conversions relative to the corporate reorganization.

S.C. Code Ann. Section 30-4-40(a)(1) states that matters to be exempt from the South Carolina Freedom of Information Act (“FOIA”) includes: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or

products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.”

According to the Petitioners, information contained in the Joint Petition, paragraph 7, is confidential information regarding the number of subscribers served by SBCLD and Exhibit 4, attached to the Joint Petition, consists of confidential Board of Directors Consents of SBCLD and SBCT. The Petitioners state their belief that the material herein listed is highly proprietary and sensitive and could hurt SBCLD’s ability to compete in the marketplace if such information was to become public information; therefore, the Petitioners request that the Commission file such information under seal. For public inspection, the Petitioners filed a redacted version of the Joint Petition.

We find that the information the Petitioners seek protection of as proprietary and to be filed under seal falls within the definition of materials exempted from FOIA. The Commission therefore grants the Motion of SBCT and SBCLD and provides that the aforementioned information provided by the Petitioners to the Commission in their Joint Petition shall be considered proprietary and confidential and filed under seal.

**IT IS THEREFORE ORDERED:**

1. The Joint Motion of SBC Telecom, Inc. and Southwestern Bell Communications Services, Inc. d/b/a SBC Long Distance, Inc. for Leave to File Confidential Materials Under Seal is granted. The Commission and Commission Staff shall treat the materials as confidential, and such materials shall not be subject to public disclosure absent further order of this Commission.

2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)